

Atkinson-Baker, Inc.

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1 IN THE UNITED STATES DISTRICT COURT FOR
2 THE DISTRICT OF NEBRASKA

3 LISSETTE LARIOS ROOHBAKHSH, as) No. 8:17-cv-00031
4 personal representative of the)
ESTATE OF FATIMA LISSETTE LARIOS)
5 and on behalf of next of kin,)
and)
6 NELSON LARIOS, as next of kin,)
7 Plaintiff,)
8 vs.)
9 BOARD OF TRUSTEES OF NEBRASKA)
STATE COLLEGES,)
10 and)
11 CHADRON STATE COLLEGE,)
12 Defendants.)

13

14 VIDEOTAPED DEPOSITION OF STEPHANIE PARIS

15 Oro Valley, Arizona

16 November 20, 2018

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21 ATKINSON-BAKER, INC.

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23 REPORTED BY: NANCY P. RICHMOND, RPR,

CSR NO. 50864

24 FILE NO.: AC0AFB8

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Page 1

Stephanie Paris
November 20, 2018

EXHIBIT
57

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<p>1 APPEARANCES 2 3 FOR PLAINTIFF: 4 ROMANUCCI & BLANDIN, LLC BY: MARTIN GOULD, ESQ. (Telephonically) 5 33 North LaSalle Street 20th Floor 6 Chicago, Illinois 60602 (312) 458-1000 7 mgould@rblaw.net 8 FOR DEFENDANTS: 9 JOHNSON & TABOR BY: THOMAS E. JOHNSON, ESQ. (Telephonically) 10 11932 Arbor Street Suite 101 11 Omaha, Nebraska 68144 tjohnson@johnsontabor.com (402) 506-4444 12 13 ALSO PRESENT: 14 Kim Brown, paralegal, Baird Holm LLP 15 (Telephonically) 16 Nicholas Watts, videographer 17 18 19 20 21 22 23 24 25 </p>	<p>1 ORO VALLEY, AZ: Tuesday, November 20, 2018; 8:18 2 a.m. 3 4 THE VIDEOGRAPHER: I am Nicholas 08:19:39 5 Watts, your videographer, and I represent Atkinson 08:19:40 6 Baker, Incorporated, in Glendale, California. I am 08:19:43 7 not financially interested in this action, nor am I 08:19:46 8 a relative or employee of any attorney or the 08:19:49 9 parties. 08:19:52 10 The date is November 20th, 2018. The time 08:19:52 11 is 8:18 a.m. This deposition being taken place at 08:19:55 12 the Holiday Inn Express, 11075 North Oracle Road, 08:20:00 13 Oro Valley, Arizona 85737. This is case number 08:20:05 14 8:17-cv-00031, entitled Larios versus Chadron State 08:20:08 15 College. The deponent is Stephanie Paris. This 08:20:17 16 deposition is being taken on behalf of the 08:20:21 17 defendants. Your court reporter is Nancy Richmond 08:20:23 18 from Atkinson Baker, Incorporated. 08:20:25 19 Counsel, will you now please introduce 08:20:27 20 yourselves? Counsel, will you -- 08:20:29 21 MR. GOULD: Martin Gould on behalf of 08:20:34 22 plaintiff. 08:20:36 23 MR. JOHNSON: Thomas E. Johnson of 08:20:37 24 Johnson & Tabor as co-counsel with Baird Holm, LLP, 08:20:38 25 on behalf of defendant, Nebraska State College 08:20:43 </p>
Page 2	Page 4
<p>1 INDEX 2 3 WITNESS: STEPHANIE PARIS 4 5 EXAMINATION PAGE 6 By Mr. Johnson 5 7 By Mr. Gould 48 8 9 EXHIBITS 10 NUMBER DESCRIPTION PAGE 11 12 Exhibit 1 Affidavit of Stephanie Paris 19 13 Exhibit 2 Plaintiff's Fourth Supplemental 20 14 Rule 26(a) Disclosures 15 Exhibit 3 Bates numbers 3553-3554 email 34 16 string 17 Exhibit 4 Bates numbers 3355-3556 email 35 18 string 19 20 21 22 23 24 25 </p>	<p>1 System. 08:20:46 2 And may I ask, there is a lot of wind 08:20:50 3 noise in that read in. Is there a fan running 08:20:52 4 there? 08:20:56 5 THE COURT REPORTER: No, there isn't. 08:20:56 6 THE VIDEOGRAPHER: I believe that 08:21:09 7 might be noise on the line, the telephone line 08:21:09 8 itself. I'm hearing everything clearly. 08:21:09 9 MR. JOHNSON: Okay. All right, thank 08:21:10 10 you. 08:21:10 11 THE VIDEOGRAPHER: Court reporter, 08:21:10 12 will you now swear in the witness? 08:21:11 13 14 STEPHANIE PARIS, 08:21:12 15 having first been duly sworn, was 08:21:12 16 examined and testified as follows: 08:21:12 17 18 EXAMINATION 08:21:12 19 BY MR. JOHNSON: 08:21:12 20 Q. Good morning. Thank you for coming down 08:21:23 21 for the deposition. 08:21:26 22 A. No problem. Thank you. 08:21:27 23 Q. We may have a little bit of a time lag 08:21:30 24 here, so it would be helpful for a variety of 08:21:33 25 reasons if you will allow me to finish the questions 08:21:37 </p>

Page 3

Page 5

2 (Pages 2 to 5)

Stephanie Paris
November 20, 2018

Atkinson-Baker, Inc.

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1 A. No. 08:47:30	1 socially, you know, like -- like most college kids. 08:50:35
2 Q. Okay. The next line, next sentence, 08:47:33	2 Most of the time the coaches aren't there for every 08:50:40
3 "These witnesses are expected to have information 08:47:35	3 single thing that they're doing and going out and 08:50:44
4 regarding decedent's death." What do you know about 08:47:39	4 doing. But Fatima always, you know, made -- made -- 08:50:47
5 the nature and circumstance of Fatima's death? 08:47:43	5 you know, was on time to everything, never was late 08:50:49
6 A. The only thing that I know is what I heard 08:47:48	6 to anything, never was an issue at practice. So 08:50:53
7 after everything occurred, was, I guess, some of her 08:47:52	7 whatever she did socially, it did not affect her 08:50:56
8 teammates at Chadron noticed some markings on her 08:48:01	8 academically, nor her physically on the field. 08:50:58
9 and reported it to the head coach and that 08:48:05	
10 transpired into her hanging herself in the dorm and 08:48:09	
11 committing suicide. I don't know how long in 08:48:14	
12 between that, but that's kind of where it started, 08:48:17	
13 and that's what I know. 08:48:19	
14 Q. Similar to the question I asked you 08:48:24	9 Q. All right. What information do you have 08:51:03
15 earlier, what is your basis for that knowledge and 08:48:25	about Fatima's work life? 08:51:06
16 belief? What is that based upon? 08:48:29	10 A. Her work life? 08:51:10
17 A. Just my conversation with Rob Stack after 08:48:32	12 Q. Yeah, that's what it says here, 08:51:13
18 the incident had occurred. 08:48:36	13 "decedent's work life" -- "work and life 08:51:14
19 Q. Any other conversations that you've had 08:48:43	14 activities." So, I guess, what do you know about 08:51:17
20 with anybody about those topics? 08:48:45	15 her work activities? 08:51:19
21 A. No. 08:48:48	16 A. Well, I can speak on her work ethic, 08:51:24
22 Q. Goes on to say that, "These witnesses will 08:48:56	17 maybe. I mean, she wasn't working when she was at 08:51:27
23 have knowledge regarding Fatima's past physical 08:48:58	18 Austin Peay, but, you know, as far as her work 08:51:31
24 condition." What specific knowledge do you have 08:49:02	19 ethic, I mean, she was -- she worked hard. She 08:51:34
25 about Fatima's physical condition? 08:49:04	20 was -- she was the kid you wanted twenty of. I 08:51:36
	21 mean, that's really all I can say. She did 08:51:38
	22 everything right and came to practice with the right 08:51:41
	23 approach every day. 08:51:43
	24 Q. Okay. Now I want to go back to your 08:51:44
	25 affidavit, if we could, please -- 08:51:49
Page 26	
Page 28	
1 A. The only knowledge I have is physically 08:49:09	1 A. Okay. 08:51:52
2 she -- and mentally she was in a good position at 08:49:13	2 Q. -- Exhibit Number 1. Let me just see if 08:51:53
3 Austin Peay. I mean, like I said previously, we 08:49:17	3 there's anything additionally I need to ask you 08:51:59
4 never had any issues with her, you know, mentally 08:49:20	4 about this. Do you happen to know how many division 08:52:01
5 or, you know, breaking down or having social issues. 08:49:23	5 one softball programs are in Tennessee? 08:52:17
6 I mean, everyone loved Fatima. She physically was 08:49:26	6 A. If you give me a second, I can probably -- 08:52:19
7 in great condition. She took care of herself. She 08:49:30	7 I'd say close to ten. 08:52:36
8 was always in the top of anything physically we were 08:49:33	8 Q. When you were recruiting Fatima, did you 08:52:39
9 doing, as far as conditioning or anything like that. 08:49:38	9 also happen to recruit a young lady by the name of 08:52:42
10 Q. Did she suffer any injuries to your 08:49:42	10 Annie Aldrete? 08:52:46
11 knowledge while she was at Austin Peay? 08:49:45	11 A. No, I don't recall that name. 08:52:51
12 A. I don't recall that. 08:49:47	12 Q. Did you recruit anybody else from the 08:52:53
13 Q. Going on then on page thirty-one of 08:49:54	13 Monterey area while you were recruiting Fatima? 08:52:55
14 Exhibit 2, "These witnesses will have knowledge 08:49:56	14 A. No. She was actually one of the few kids 08:52:58
15 regarding Fatima's and Brandon's personality." Do 08:49:59	15 that I only had from that area of California. Most 08:53:01
16 you have any knowledge regarding Brandon's 08:50:04	16 of ours were southern Cal. 08:53:05
17 personality? 08:50:08	17 Q. During the recruiting process, did Fatima 08:53:13
18 A. I have no knowledge of anything to do with 08:50:08	18 indicate to you any particular reason why she might 08:53:15
19 Brandon. 08:50:12	19 be interested in Austin Peay as opposed to any other 08:53:17
20 Q. Going on, "social life and habits." Do 08:50:14	20 division one school? 08:53:21
21 you have any knowledge with respect to the social 08:50:16	21 A. I think Fatima had been overlooked, and we 08:53:23
22 life and habits of either Fatima Larios or Brandon 08:50:20	22 found her late. And when I say late, I mean, most 08:53:28
23 Finona-Gardner? 08:50:26	23 of -- most of the athletes are usually committed by 08:53:31
24 A. I can only speak on Fatima. Fatima -- you 08:50:28	24 their sophomore or junior year, and so she wasn't 08:53:34
25 know, I mean, the players, you know, would do things 08:50:31	25 committed. So I think she was just excited for the 08:53:37
Page 27	
Page 29	

8 (Pages 26 to 29)

Stephanie Paris
November 20, 2018

Atkinson-Baker, Inc.

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<p>1 opportunity to play division one and was willing 08:53:40</p> <p>2 to -- to go wherever to make that happen. 08:53:45</p> <p>3 Q. When did you actually sign her to a letter 08:53:47</p> <p>4 of intent? 08:53:49</p> <p>5 A. We would have signed her the fall of 2013. 08:53:51</p> <p>6 No, wait. I'm sorry. 2012, 'cause she came in 08:53:57</p> <p>7 2013. 08:54:02</p> <p>8 Q. So you signed her during her senior year 08:54:06</p> <p>9 of high school? 08:54:09</p> <p>10 A. Yeah. 08:54:10</p> <p>11 Q. And that's late for softball players? 08:54:11</p> <p>12 A. Very. 08:54:14</p> <p>13 Q. Do you know if she had any other one 08:54:17</p> <p>14 division offers, any other division one offers? 08:54:21</p> <p>15 A. I don't recall that. 08:54:24</p> <p>16 Q. Do you know if she had any other 08:54:26</p> <p>17 scholarship offers, period? 08:54:28</p> <p>18 MR. GOULD: I'm going to object to 08:54:31</p> <p>19 foundation, speculation. 08:54:32</p> <p>20 MR. JOHNSON: That's why I asked her 08:54:35</p> <p>21 if she knows, Marty. 08:54:36</p> <p>22 Q. Do you know? 08:54:39</p> <p>23 A. I do not recall that. 08:54:40</p> <p>24 Q. Okay. I assume that softball, varsity 08:54:41</p> <p>25 softball, was a spring sport at Austin Peay 08:55:13</p>	<p>1 Q. And did she participate in fall softball? 08:56:22</p> <p>2 A. Yes. 08:56:25</p> <p>3 Q. Do you recall how she performed during the 08:56:28</p> <p>4 fall ball? 08:56:31</p> <p>5 A. I do not recall specifically, but, you 08:56:33</p> <p>6 know, obviously good enough to where she was 08:56:35</p> <p>7 starting in the spring. So she did well. 08:56:37</p> <p>8 Q. Would you consider her to be primarily a 08:56:43</p> <p>9 defensive player as opposed to an offensive player? 08:57:00</p> <p>10 A. Yes. A defensive player. 08:57:03</p> <p>11 Q. All right. Now, am I correct, ma'am, 08:57:14</p> <p>12 that -- okay. I assume that Fatima, like the other 08:57:17</p> <p>13 students, would have left to go home for the 08:57:23</p> <p>14 Christmas break; is that correct? 08:57:25</p> <p>15 A. Yes. 08:57:27</p> <p>16 Q. And then when they come back, I assume 08:57:29</p> <p>17 practice starts right away? 08:57:31</p> <p>18 A. In January, yes. 08:57:32</p> <p>19 Q. And you're practicing hard, leading up to 08:57:37</p> <p>20 the February start of season, correct? 08:57:39</p> <p>21 A. Correct. 08:57:41</p> <p>22 Q. Do you know whether Fatima's family ever 08:57:44</p> <p>23 visited her when she was at Austin Peay, her parents 08:57:47</p> <p>24 or her siblings? 08:57:50</p> <p>25 A. I don't recall that, but I -- I can't 08:57:56</p>
Page 30	Page 32
Page 31	Page 33

9 (Pages 30 to 33)

Stephanie Paris
November 20, 2018

Atkinson-Baker, Inc.

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<p>1 that's the case now." Is that a reference to what 2 you thought when she first approached you back in 3 January? 4 A. Right. I was thinking, you know, if she's 5 homesick and really feels like she needs to go home, 6 it's because she just left them over Christmas 7 break, and sometimes that happens a lot. When kids 8 go home and then they have to go back to school, 9 they really start missing their family when they go 10 back at school. So I thought once we kind of got in 11 the groove of practice and games and she was playing 12 and she got in the groove of things that, you know, 13 she may change her mind because she was, you know, 14 in the experience of being a college softball 15 player.</p> <p>16 Q. Okay. Then at the top of the page, is 17 that a response from Tara Pfeifler by email to you, 18 also dated February 27th? 19 A. Yes. 20 Q. And Tara writes, "She came to see me as 21 well," in the first sentence, and then in the bottom 22 paragraph of her response she says, "You may want to 23 discuss this with Cheryl." Who is Cheryl? 24 A. Cheryl was our senior women's 25 administrator. She was who I reported to. So she</p>	<p>09:05:59 09:06:01 09:06:04 09:06:04 09:06:07 09:06:10 09:06:13 09:06:16 09:06:19 09:06:22 09:06:25 09:06:28 09:06:28 09:06:30 09:06:34 09:06:36 09:06:37 09:06:41 09:06:43 09:06:46 09:06:50 09:06:54 09:06:57 09:07:00 09:07:03</p> <p>1 that you and Fatima had a meeting that day, March 1, 2014? 2 A. Yes. 3 Q. And can you tell me, to the best of your 4 recollection, what was communicated in that meeting 5 between you and Fatima Larios on March 1 of 2014? 6 A. Well, it sounds like, you know, she -- we 7 wanted to just double check before we, you know, 8 released her and just make sure that we weren't 9 making any quick decisions on just trying to 10 transfer her out of here and that she was truly 11 clear on what was about to happen, as far as being 12 released to contact other schools, and, you know, 13 just making sure that that's really what she 14 ultimately wanted to do. 15 Q. Did she tell you that -- did she confirm 16 for you at that time that that is what she wanted to 17 do? 18 A. Yeah. I mean, it's in the email, so yes. 19 Q. Did she ask for permission to contact 20 other schools? 21 A. I believe so, yes. 22 Q. To the best of your knowledge and 23 recollection, was it her intent that she would 24 continue to be a team member for the rest of that</p>
<p>Page 38</p>	<p>Page 40</p> <p>1 was my athletic director that I reported to. 2 Q. Do you recall whether you had any oral 3 conversations with Tara Pfeifler about this 4 situation? 5 A. I don't recall that. 6 Q. Do you recall whether you had any oral 7 communications with Cheryl Holt about it? 8 A. I don't recall, but I'm -- I'm certain 9 that I did because you just have to report, you 10 know, this type of stuff. When kids are trying to 11 transfer or leave, I mean, you have to report it. 12 So I'm sure that I had some sort of conversation 13 with -- with Cheryl Holt. 14 Q. Take a look at, if you would, please, at 15 Exhibit Number 3, which is an email from you to 16 Cheryl Holt, dated March 1 of 2014, which is a day 17 or two after your email exchange with Tara Pfeifler. 18 A. Okay. 19 Q. All right. You've had a chance to read 20 that? Is that, in fact, an email that you sent to 21 your athletic director on March 1 -- 22 A. Yes. 23 Q. -- 2014? 24 A. Yes. 25 Q. And does that refresh your recollection</p>

Page 39

Page 41

11 (Pages 38 to 41)

Stephanie Paris
November 20, 2018

Atkinson-Baker, Inc.

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1	version, a ptx file would be preferable, and then	09:46:47	1	REPORTER'S CERTIFICATE
2	the original, as well, with the exhibits.	09:46:52	2	
3	THE COURT REPORTER: Okay. And you	09:46:58	3	I, NANCY P. RICHMOND, Certified Shorthand Reporter,
4	need this tomorrow?	09:46:58	4	certify:
5	MR. JOHNSON: Actually, Friday is	09:47:02	5	
6	soon enough. Tomorrow would be great; Friday is	09:47:04	6	That the foregoing proceedings were taken
7	acceptable. And all we really need is a draft.	09:47:08	7	before me at the time and place therein set forth,
8	THE COURT REPORTER: And, Mr. Gould?	09:47:36	8	at which time the witness was put under oath by me;
9	MR. GOULD: I also -- I'd like an	09:47:37	9	That the testimony of the witness, the
10	electronic version, e-mailed with the exhibits. I	09:47:40	10	questions propounded, and all objections and
11	don't want a hard copy, though. You don't have to	09:47:43	11	statements made at the time of the examination were
12	mail anything.	09:47:47	12	recorded stenographically by me and were thereafter
13	(The deposition concluded at 9:48 a.m.)		13	transcribed;
14	-----		14	That the foregoing is a true and correct
15			15	transcript of my shorthand notes so taken.
16			16	I further certify that I am not a relative or
17			17	employee of any attorney of the parties, nor
18			18	financially interested in the action.
19			19	I declare under penalty of perjury under the
20			20	laws of Arizona that the foregoing is true and
21			21	correct.
22			22	Dated this 20th day of November, 2018.
23			23	
24			24	
25			25	NANCY P. RICHMOND, CSR No. 50864

Page 62

1	STATE OF ARIZONA)			
2	COUNTY OF PIMA)			
3				
4				
5				
6				
7				
8				
9	I, the undersigned, declare under penalty			
10	of perjury that I have read the foregoing			
11	transcript, and I have made any corrections,			
12	additions, or deletions that I was desirous of			
13	making; that the foregoing is a true and correct			
14	transcript of my testimony contained therein.			
15	EXECUTED this ____ day of _____,			
16	2018, at Tucson, Arizona.			
17				
18				
19				
20	_____ STEPHANIE PARIS			
21				
22				
23				
24				
25				

Page 63

17 (Pages 62 to 64)

Stephanie Paris
November 20, 2018

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REPORTER'S CERTIFICATE

2

3 I, NANCY P. RICHMOND, Certified Shorthand Reporter,
4 certify:

5

6 That the foregoing proceedings were taken
7 before me at the time and place therein set forth,
8 at which time the witness was put under oath by me;

9 That the testimony of the witness, the
10 questions propounded, and all objections and
11 statements made at the time of the examination were
12 recorded stenographically by me and were thereafter
13 transcribed;

14 That the foregoing is a true and correct
15 transcript of my shorthand notes so taken.

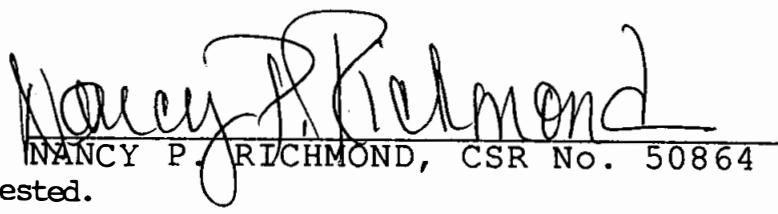
16 I further certify that I am not a relative or
17 employee of any attorney of the parties, nor
18 financially interested in the action.

19 I declare under penalty of perjury under the
20 laws of Arizona that the foregoing is true and
21 correct.

22 Dated this 20th day of November, 2018.

23

24


NANCY P. RICHMOND, CSR No. 50864

25 Signature was requested.